

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL KITCHEN,

Plaintiff,

vs

Case No: 14-12883  
Honorable Victoria A. Roberts

DANIEL HEYNS, ET AL,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

On May 5, 2015, Magistrate Judge Grand issued a Report and Recommendation ("R&R") recommending the Court grant Defendant MDOC's Motion to Sever. On June 19, 2015, Plaintiff filed objections.

In accordance with Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), the Court has reviewed *de novo* the R&R and Plaintiff's objections. The Court agrees with Magistrate Judge Grand's conclusion.

The Court **ADOPTS** the R&R and **GRANTS** Defendant's motion. Plaintiff can continue his First and Fourteenth Amendment claims - and corresponding Michigan Constitutional claims - against Defendants LaCroix, Maciejewski, Finco, Stephenson, Steece, Gambati, and Hightower. The remainder of Plaintiff's claims against Defendants Heyns, Russell, Bauman, Schram, Prunick, Hursh, Tenuta, Seymour, Stasewich, Eubanks, Russell, Fleury, Hill, Lindemuth, and Immel are dismissed without prejudice.

**IT IS ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: August 11, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record and Michael Kitchen by electronic means or U.S. Mail on August 11, 2015.

s/Linda Vertriest  
Deputy Clerk